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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/009,932	01/21/1998	KOICHIRO TANAKA	35G2116	8061
5514	7590	04/07/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			WHIPKEY, JASON T	
		ART UNIT		PAPER NUMBER
		2612		25
DATE MAILED: 04/07/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/009,932	TANAKA ET AL.	
	Examiner	Art Unit	
	Jason T. Whipkey	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 March 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 18-70 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 18-28,30-33,35-47,49-52,54-64 and 66-69 is/are rejected.
 7) Claim(s) 29,34,48,53,65 and 70 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 21 January 1998 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>22 and 23</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Change of Examiner

1. The examiner of record for this application has been changed to Jason Whipkey. Any inquiry regarding this application should be directed to the new examiner. Current contact information is provided in the last section of this communication.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on March 15, 2004, has been entered.

Information Disclosure Statement

3. The Information Disclosure Statement filed March 15, 2004, and the associated translation filed April 20, 2004, have been considered. The allowability of claims 18-28, 30-33, 35-47, 49-52, 54-64, and 66-69 is withdrawn and a rejection based on the provided translation follows.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 18-28, 35-47, and 54-64 are rejected under 35 U.S.C. 102(a) as being anticipated by Shimada (Japanese Patent No. 09-186923).

Regarding **claims 18, 35, and 36**, Shimada discloses a camera control apparatus (see Figure 1) comprising:

a display device (display apparatus 2) that displays an image sensed by a camera, in accordance with an image signal output from the camera (see paragraph 9 of Detailed Description);

a detection device (pointing device 3) that detects a figure scripted on a display screen on which the image is being displayed by said display device (see paragraph 9);

a selection device (gesture command analysis means 4) that collates a pattern of the figure detected by said detection device with figure patterns previously stored in a storage device (see Figure 4), and selects a command to control a predetermined function of the camera in accordance with a figure pattern which corresponds to the detected figure (see paragraphs 17-22); and

an output device (camcorder operation command control means 9) that outputs the command (see paragraph 11).

Regarding **claim 19**, Shimada discloses:

 said detection device further detects an action of scripting a figure on the display surface of said display device (commands are issued directly to the display via the pen; see paragraph 29).

Regarding **claim 20**, Shimada discloses:

 said output device outputs a control command for at least one of pan control, tilt control, and zoom control of the camera (see paragraphs 20-21).

Regarding **claim 21**, Shimada discloses:

 said output device outputs a control command for at least one of pan control, tilt control, and zoom control of the camera (see paragraphs 20-21).

Regarding **claim 22**, Shimada discloses:

 said detection device detects an action of scripting a line segment from right to left on the display screen, then said output device outputs a control command for leftward pan control of the camera according to the length of the line segment (a point drawn to mark the center of an image, and this point may be moved to — in effect — pan the camera to a new position based on the new location of the point; see Figure 4(2) and paragraphs 17-18).

Regarding **claim 23**, Shimada discloses:

 said detection device detects an action of scripting a line segment from left to right on the display screen, then said output device outputs a control command

for rightward pan control of the camera according to the length of the line segment (a point drawn to mark the center of an image, and this point may be moved to — in effect — pan the camera to a new position based on the new location of the point; see Figure 4(2) and paragraphs 17-18).

Regarding **claim 24**, Shimada discloses:

 said detection device detects an action of scripting a line segment along the direction from the bottom to the top of the display screen, then said output device outputs a control command for upward tilt control of the camera according to the length of the line segment (a point drawn to mark the center of an image, and this point may be moved to — in effect — tilt the camera to a new position based on the new location of the point; see Figure 4(2) and paragraphs 17-18).

Regarding **claim 25**, Shimada discloses:

 said detection device detects an action of scripting a line segment along the direction from the top to the bottom of the display screen, then said output device outputs a control command for downward tilt control of the camera according to the length of the line segment (a point drawn to mark the center of an image, and this point may be moved to — in effect — tilt the camera to a new position based on the new location of the point; see Figure 4(2) and paragraphs 17-18).

Regarding **claim 26**, Shimada discloses:

 said detection device detects a scripting of an arrow on the display screen, the said output device outputs a control command for control of at least one of

pan and tilt of the camera according to the direction of the detected arrow (see Figure 4(4) and paragraph 19).

Regarding **claim 27**, Shimada discloses:

 said output device determines a controlled amount of at least one of the pan and tilt of the camera according to a length of the detected arrow (see Figure 4(4) and paragraph 19).

Regarding **claim 28**, Shimada discloses:

 said detection device detects a substantially circular figure is scripted on the display screen (see the larger circle in Figure 4(6)), then said output device outputs a command for controlling the zoom ratio according to a size of the substantially circular figure detected (see paragraph 20).

Regarding **claim 37**, Shimada discloses:

 a control step of controlling the camera on the basis of the camera control command output in said output step (see paragraph 11).

Regarding **claim 38**, Shimada discloses:

 said detection step comprises detecting an action of scripting a figure on the display screen in said display step (commands are issued directly to the display via the pen; see paragraph 29).

Regarding **claim 39**, Shimada discloses:

 said output step comprises outputting a control command for at least one of pan control, tilt control, and zoom control of the camera (see paragraphs 20-21).

Regarding **claim 40**, Shimada discloses:

said output step comprises outputting a control command for at least one of pan control, tilt control, and zoom control of the camera (see paragraphs 20-21).

Regarding **claim 41**, Shimada discloses:

said detecting step includes detecting an action of scripting a line segment from right to left on the display screen, and said output step includes outputting a control command for leftward pan control of the camera in accordance with the length of the line segment detected in said detecting step (a point drawn to mark the center of an image, and this point may be moved to — in effect — pan the camera to a new position based on the new location of the point; see Figure 4(2) and paragraphs 17-18).

Regarding **claim 42**, Shimada discloses:

said detecting step includes detecting an action of scripting a line segment from left to right on the display screen, and said output step includes outputting a control command for rightward pan control of the camera in accordance with the length of the line segment detected in said detecting step (a point drawn to mark the center of an image, and this point may be moved to — in effect — pan the camera to a new position based on the new location of the point; see Figure 4(2) and paragraphs 17-18).

Regarding **claim 43**, Shimada discloses:

said detecting step includes detecting an action of scripting a line segment along the direction from the bottom to the top of the display screen, and said output step includes outputting a control command for upward tilt control of the camera in accordance with the length of the line segment detected in said detecting step (a point drawn to mark the center of an image, and this point may be moved to — in effect — tilt the camera to a new position based on the new location of the point; see Figure 4(2) and paragraphs 17-18).

Regarding **claim 44**, Shimada discloses:

said detecting step includes detecting an action of scripting a line segment along the direction from the top to the bottom of the display screen, and said output step includes outputting a control command for downward tilt control of the camera in accordance with the length of the line segment detected in said detecting step (a point drawn to mark the center of an image, and this point may be moved to — in effect — tilt the camera to a new position based on the new location of the point; see Figure 4(2) and paragraphs 17-18).

Regarding **claim 45**, Shimada discloses:

said detecting step includes detecting a scripting of an arrow on the display screen, and said output step includes outputting a control command for control of at least one of pan and tilt of the camera in accordance with the direction of the arrow detected in said detecting step (see Figure 4(4) and paragraph 19).

Regarding **claim 46**, Shimada discloses:

said output step includes determining a controlled amount of at least one of the pan and tilt of the camera in accordance with the length of the arrow detected in said detecting step (see Figure 4(4) and paragraph 19).

Regarding **claim 47**, Shimada discloses:

said detecting step includes detecting scripting of a substantially circular figure on the display screen, and said output step includes outputting a command for controlling the zoom ratio in accordance with the size of substantially circular figure detected in said detecting step (see the larger circle in Figure 4(6)), then said output device outputs a command for controlling the zoom ratio according to a size of the substantially circular figure detected (see paragraph 20).

Claims 54-64 may be treated like claims 18-28, respectively. Additionally, it is inherent that the processors of the control apparatus shown in Drawing 1 include some sort of stored instructions.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 30-33 and 49-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimada in view of Cortjens (U.S. Patent No. 5,568,183).

Claims 30 and 49 may be treated like claims 21 and 40, respectively. However, Shimada is silent with regard to scripting a rectangular zoom command on the screen.

Cortjens discloses:

if said detection device detects a substantially rectangular figure is scripted on the display screen, then said output means outputs a command for controlling the zoom ratio according to a size of the substantially rectangular figure detected (see column 16, line 57, though column 18, line 47).

As stated in column 15, lines 3-25, an advantage of designating an area using such a procedure is that a user can quickly and easily designate the camera view that should be captured. For this reason, it would have been obvious at the time of invention to have Shimada's system include the camera control directives described by Cortjens.

Regarding **claims 31 and 50**, Cortjens teaches:

if said detection device detects a substantially rectangular figure is scripted on the display screen, then said output device further outputs a control command for performing at least one of pan and tilt of the camera such that an image displayed at a center of the substantially rectangular figure is positioned at a center of the display screen (see column 16, line 57, though column 18, line 47).

Claims 32 and 51 may be treated like claims 21 and 40, respectively. However, Shimada is silent with regard to outputting a control command for controlling a zoom ratio based on the size of the crisscross figure detected.

Cortjens teaches:

if said detection device detects a crisscross figure is scripted on the display screen, then said output device outputs a control command for controlling a zoom ratio in the zoom-out direction according to a size of the crisscross figure detected (see column 16, line 57, though column 18, line 47).

As stated in column 15, lines 3-25, an advantage of designating an area using such a procedure is that a user can quickly and easily designate the camera view that should be captured. For this reason, it would have been obvious at the time of invention to have Shimada's system include the camera control directives described by Cortjens.

Regarding **claims 33 and 52**, Cortjens teaches:

said output device outputs a control command for performing at least one of pan and tilt of the camera such that an image displayed at a point of intersection of two line segments forming the crisscross figure is positioned at the center of the display screen.

Claims 66-69 may be treated like claims 30-33, respectively. Additionally, it is inherent that the processors of the control apparatus shown in Drawing 1 include some sort of stored instructions.

Allowable Subject Matter

9. Claims 29, 34, 48, 53, 65, and 70 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding **claims 29, 48, and 65**, no prior art could be located that teaches or fairly suggests a detecting device that detects a circle drawn on a specific point in an image, wherein the point is zoomed based on the size of the circle *and* the camera is panned and/or tilted to bring the selected point to the center of the screen.

Regarding **claims 34, 53, and 70**, no prior art could be located that teaches or fairly suggests a detecting device that detects one loop drawn on a screen to terminate control of a camera.

Conclusion

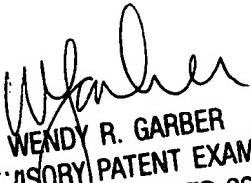
10. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Whipkey, whose telephone number is (571) 272-7321. The examiner can normally be reached Monday through Friday from 9:00 A.M. to 5:30 P.M. eastern daylight time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached at (571) 272-7308. The fax phone number for the organization where this application is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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April 4, 2005


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